



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: March 23, 2010

Department: Zoning, Building, Planning & Env. Health

Staff Contact: Brennon Williams, Zoning Administrator

TITLE: PUBLIC HEARING: Appeal of the County Planning Commission's determination to recommend cancellation of and existing Special Use Permit for a School Bus Operation and Parking Lot (CO-90011/CSU-50026)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Cancellation of CSU-50026.

SUMMARY:

This matter was previously deferred by the Board of County Commissioners (BCC) from their September 2009 meeting to allow the applicant additional time to complete the necessary development improvements on the subject site in order to comply with the Conditions of Approval. This appeal was also deferred from the March 24, 2009 meeting, as well. However, as of the publication deadline for this report (03/10/10), staff was unaware of any additional action taken to complete the necessary steps.

On February 4, 2009, the County Planning Commission (CPC) voted unanimously (5-0) to recommend cancellation of a Special Use Permit for a School Bus Operation and Parking Lot (CSU-50026). The subject property is located at 1325 Foothill Rd. SW, zoned A-1, and contains approximately 9.16 acres. The CPC decision was based on four Findings.

The request for cancellation was the result of noncompliance with the established conditions of approval. The CPC had previously deferred the matter from their August and February 2008 public hearings, as well as the November 2007 meeting. However, when no one appeared at the scheduled meeting in February 2009, and no progress toward the completion of the necessary actions could be determined, the resulting recommendation was cancellation of the previous approval.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes cancellation of a Special Use Permit after determination of a continued violation, proper notification to the property owner, and the holding of a public hearing (Sec. 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County).

ATTACHMENTS:

1. BCC's Notices of Deferral (September 24, 2009 & March 26, 2009)
2. Appellant's previous request for deferral (September 22, 2009)
3. Appellant's application
4. CPC's Notice of Decision (February 6, 2009)
5. CPC packet (February 4, 2009)

STAFF ANALYSIS SUMMARY:

Zoning/Building/Planning/Environmental Health:

Staff recommends denial of the appeal, thereby upholding the recommendation for cancellation.